

**RESOLUTION 2020-9**

**A RESOLUTION OF THE  
READING PARKING AUTHORITY,  
COUNTY OF BERKS, PENNSYLVANIA**

Adopted: April 21, 2020

*ADOPTING A BACKGROUND CHECK POLICY TO  
BE CONDUCTED ON A POST OFFER, PRE-  
EMPLOYMENT BASIS FOR ALL NEW AUTHORITY  
HIRES.*

WHEREAS, the Reading Parking Authority (“Authority”) is a body corporate and politic organized and existing under the Parking Authority Law, approved June 5, 1947, P.L. 458, 53 Pa.C.S. §5501 *et seq.*, as amended and supplemented (“Act”); and

WHEREAS, the Authority wants to adopt the Background Check Policy that is attached hereto as Attachment “A”; and

WHEREAS, the attached Background Check Policy shall be immediately effective.

NOW, THEREFORE, BE IT RESOLVED, by the Board of this Authority, in lawful session duly assembled, as follows:

SECTION 1. The Authority hereby adopts the Background Check Policy attached hereto as Attachment “A”, as may be amended from time-to-time by motion of the Authority’s Board of Directors.

SECTION 2. This Background Check Policy shall take effect immediately.

**DULY ADOPTED**, this 21<sup>st</sup> day of April, 2020, by the Board of Directors of the Reading Parking Authority.

ATTEST:

READING PARKING AUTHORITY

\_\_\_\_\_  
Nate Rivera, Secretary (SEAL)

By: \_\_\_\_\_  
Frank Denbowski, Chairperson

SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by a majority vote of the Board of Directors of the Reading Parking Authority at a meeting of said Board duly held on April 21, 2020, a quorum being present; that public notice of said meeting was given in the manner provided by law; that said resolution has been duly recorded upon the minutes of the Board, has not been amended or rescinded and is in full force and effect this 21<sup>st</sup> day of April, 2020.

READING PARKING AUTHORITY

By: \_\_\_\_\_  
Nate Rivera, Secretary (SEAL)

ATTACHMENT "A"

**READING PARKING AUTHORITY  
BACKGROUND CHECK POLICY**

The Reading Parking Authority ("RPA") shall conduct background checks on a post offer, pre-employment basis for all RPA new hires.

**Offers of Employment**

All offers of employment are contingent upon the successful completion of the RPA's background check. All written or oral offers of employment shall be contingent upon the RPA's verification of credentials and other information required by law and/or RPA policies or practices, including but not limited to a criminal background check.

The following background checks will be conducted after a verbal offer of employment is extended and accepted:

- PA Child Abuse Clearance
- FBI Fingerprinting Check
- PA Criminal History Check

**Returning Employees**

Employees who have a break in service are required to have a full background check completed upon rehire, regardless of the length of the break in service.

**No Adverse Information Revealed**

If no conviction or adverse information is revealed by the background check, the candidate will have successfully passed the background check and the hiring process will not be impacted.

**General Clarification Required**

If RPA needs clarification regarding information received from the background check vendor or disclosed by the candidate/employee, it will contact the vendor directly.

If the information revealed by the background check conflicts with the information provided by the candidate/employee (e.g. the social security number, date of birth, or driver's license number does not match the candidate/employee's name, etc.), the RPA will rerun the background check with the corrected information.

## **Adverse Information Revealed**

### *Assessment of Information*

If conviction or adverse information is revealed on a background check, the RPA will assess the information based on an individualized case-by-case basis in accordance with applicable law and EEOC guidance.

The assessment of information will be based on the following:

1. Only convictions and open cases may be considered when reviewing a candidate/employee's criminal history. An arrest without a conviction in a closed case will not be considered. Expunged records will not be considered when making a determination of a candidate/employee's eligibility unless required by law.
2. A criminal conviction will not necessarily preclude a candidate/employee from initial employment or continued employment. RPA will assess the circumstances surrounding the conviction as well as the time frame, nature, gravity, and relevancy of the offense and charge to the job duties.
3. Open criminal cases may preclude a candidate from eligibility for employment or may impact the employment status of a current employee. RPA will assess the circumstances surrounding the arrest as well as the time frame, nature, gravity, and relevancy of the alleged offense and charge to the job duties.

Information that potentially precludes a candidate from consideration will be analyzed by considering:

1. Relevancy of the information, such as a conviction, to the job responsibilities;
2. Final candidate's employment history since the conviction(s) or other information;
3. Circumstances of the conviction(s);
4. Whether the conviction(s) are of a violent nature (e.g. murder, attempted murder, rape, felonious assault, sexual assault, etc.);
5. Length of time since the conviction(s) occurred;
6. Whether there are multiple similar convictions that could indicate an ongoing pattern of behavior;

7. Whether the conviction(s) preclude the final candidate from employment based upon federal or state regulations; and
8. Other information from the interview and reference checks that should be considered to determine the final candidate's qualifications and fitness for the position.

#### Falsification of Information

If a candidate fails to disclose a criminal conviction or fails to provide truthful, accurate, and complete information regarding the criminal conviction, she/he may be determined ineligible for hire and prohibited from future employment consideration.

#### Further Investigation Required

1. If there are questions about a conviction(s) or concerns that the adverse information could potentially preclude a candidate from employment or an employee retaining their position, RPA may contact the candidate or employee to discuss the information in more detail.
2. If the determination is made that the adverse information does not disqualify a candidate from employment or impact an employee's employment status, RPA will determine that the individual has passed the background check and may proceed with the hiring process or the employment status will not be impacted.

#### Information May Impact Hire/Employment Status – Pre-Adverse Process

If after the initial investigation, it is determined that the information revealed may preclude the candidate from being hired or an employee retaining her/his employment status, RPA will inform the final candidate/employee that the results of the background check may disqualify her/him from consideration or impact her/his employment status and that she/he has five (5) business days to refute the information by providing supplementary documentation.

If supplementary documentation is received, it will be reviewed and a determination will be made whether the final candidate may still be considered for the position or if an employee's employment status will be impacted.

If the determination is made that the adverse information does not disqualify a final candidate from employment or impact an employee's employment status, Human Resources will notify the hiring manager that the final candidate or employee has passed the background check and may proceed with the hiring process or the employment status will not be impacted.

*Hire/Employment Status Impacted – Adverse Action*

If no supplementary documentation is received or after supplementary documentation is reviewed, it is determined that the information revealed disqualifies the candidate from being hired or has an impact on an employee's employment status, RPA will notify the candidate that the offer of employment is revoked and will take disciplinary action as necessary and permitted for a current employee, up to and including termination.

**Retaining Background Check Information**

Background check documentation and documentation pertaining to the self-disclosure of criminal convictions shall not be stored in an employee's personnel file. All information received in connection with the background check process or the self-disclosure of criminal convictions shall be treated as confidential material.